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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/620,798

07/17/2003

Sabine Leifeld

SCH-1912

8457

23599

7590

10/13/2006

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EXAMINER

ELKINS, GARY E

ART UNIT

PAPER NUMBER

3782

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,798

Applicant(s)

LEIFELD ET AL.

Examiner

Gary E. Elkins

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 8-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 10, “therefrom” is unclear with respect to which previous element being referred to.

In claim 8, line 16, “fro” appears to be misspelled.

In claim 8, line 19, “positioned for adherence adhered” is unclear grammatically and is unclear with respect to what is being claimed.

In claim 9, it is unclear how the sixth seam is joining the back panel to the top panel, i.e. as previously defined in the claims, the fourth seam joins the back panel to the top panel.

In claim 9, last line, “to initially form” is unclear, i.e. to initially form what?

In claim 10, the sixth and fourth seams as defined in the claim appear to be reversed since the fourth seam extends in the same direction as the first through third and seventh seams and the fifth and sixth seams extend in the same direction.

In claim 12, “the...bridge” lacks antecedent basis in the claims. The only bridge previously defined is a bridge section. Also in claim 12, “the seventh seal” lacks antecedent basis in the claims.

Claim 15 is unclear with respect to how the top panel has a surface area smaller than itself. Also, it is unclear how another panel would have a surface area smaller than the top panel

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but not smaller than the bottom panel since the top and bottom panels appear to have the same surface area as shown in the drawings.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 9 and 13, and claim 15 as best understood in view of paragraph 1 above, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonker et al in view of Brown or alternatively, Yonker et al in view of Brown and either Vanasse or Irvine et al. Yonker et al discloses a box including a sealing flap 31, front panel 30, bottom panel 34, back panel 40, top panel 43, side panels 41, 42, insert tabs 35, 36, 44, 45 and an attachment flap 46. Yonkers et al does not disclose formation of the front panel with two free edges and side panels with insert flaps. Brown teaches that it is known to make carton side walls using side panels (53, 55) having insert flaps (61, 63) and insert tabs (39, 41, 77, 79) to engage the insert flaps upon closure. It would have been obvious to make the carton of Yonker et al with side walls formed as taught Brown since the use of insert flaps and tabs enables easy engagement and disengagement of the side walls for loading, access to the contents and/or collapse of the container as compared to four flap bonded closures. It is noted that the attachment flap 46 in Yonker et al is considered readily separable insofar as the container is made from paperboard which is easily separated by tearing or cutting with a knife. Alternatively, each of Vanasse and Irvine et al teaches that it is known to make hanging flaps detachable along perforated lines to facilitate use of the box without

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interference of the hanging flap when no longer needed. It would have been obvious to make the hanging attachment flap in Yonkers et al with a perforated connection between the attachment flap and the top panel as taught by either Vanasse or Irvine et al to facilitate easier disengagement of the attachment flap when not needed.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 8 above, and further in view of either Rusnock or George. Modified Yonkers et al evidences all structure of the claimed box except orientation of the cardboard fibers perpendicular to the first through fourth and seventh seams. Each of Rusnock and George teaches that it is known to orient the cardboard fibers in a box along the length of the blank/container, i.e. parallel to the side walls flaps and perpendicular to the wall panel fold lines. It would have been obvious to make the cardboard fibers in Yonkers et al oriented along the length of the blank as taught by either Rusnock or George to provide a stronger box in the vertical direction of the box, to provide stronger first through fourth and seventh seams and to allow the length of the box to be formed in the machine direction of a cardboard web.

Allowable Subject Matter

5. Claims 11, 12 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

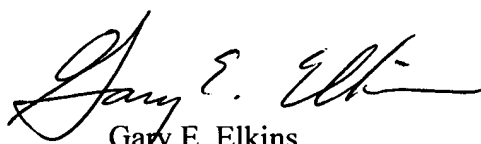
6. Applicant's arguments with respect to claims 8-10, 13 and 15 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Gary E. Elkins
Primary Examiner
Art Unit 3727

gee
09 October 2006